

REMARKS

By this Amendment claims 1, 23, 53, 76, and 86 have been amended to further clarify the invention; and claims 8 and 51 have been amended for proper antecedent basis. Accordingly, claims 1-38, 40-47, 49-58, 76-82, 84, 86-89, and 133-136 are pending in this application. No new matter has been introduced by this Amendment.

In the outstanding Office Action, claims 1-12, 14-38, 40-47, 49-58, 76-78, 80-82, 84, 86-89, and 133-135 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,743,154 to James et al. ("James"); and claims 13, 79, and 136 were rejected under 35 U.S.C. 103(a) as being unpatentable over James.

James discloses a pallet inspection and repair system including a vertically reciprocating lift table 19, and a pallet discharge conveyor 23 that includes a plurality of drive chains 121, 122, and 123. James at column 4, lines 28-37. Each of the drive chains 121, 122, and 123, carries a lug 132 that engages the back end of a pallet placed on lift table 19. James at column 7, lines 14-16 and 40-52.

Applicants respectfully traverse the rejection of independent claims 1, 23, 53, 76, 80, 86, and 133, under 35 U.S.C. § 102(b) as being anticipated by James.

Independent claim 1 has been amended to recite, *inter alia*, "the pusher bar having a pallet contacting portion that is vertically spaced away from the platform when the pusher bar is in a dispensing position, such that there is a gap between the pallet contacting portion and the platform." This limitation is neither disclosed nor suggested by James. Applicants direct the Examiner to FIG. 3 of James, where the path of lug 132 is shown. As shown in FIG. 3 of James, lug 132 is mounted so as to extend through the surface of lift table 19 when lug 132 engages a pallet, and thus, lug 132 is not vertically

spaced away from lift table 19 when engaging the pallet. That is, there is no space between pallet contacting lug 132 and the surface of lift table 19. Therefore lug 132 in James is not a “pusher bar having a pallet contacting portion that is vertically spaced away from the platform when the pusher bar is in a dispensing position, such that there is a gap between the pallet contacting portion and the platform,” as recited in independent claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of independent claim 1, and request the timely allowance thereof.

Independent claims 23, 53, 76, and 86, have been amended in a manner similar to independent claim 1. Therefore independent claims 23, 53, 76, and 86, are allowable at least for the same reasons that independent claim 1 is allowable. Accordingly, Applicants respectfully request the withdrawal of the rejection of independent claims 23, 53, 76, and 86, and request the timely allowance thereof.

Independent claims 80 and 133 each recite, *inter alia*, “building a load on the dispensed pallet; providing relative rotation between a packaging material dispenser and the load to wrap packaging material around the load.” These limitations are neither disclosed nor suggested by James. Furthermore, the Examiner has not provided any explanation as to how or where James discloses or suggests these limitations. Accordingly, Applicants respectfully request the withdrawal of the rejection of independent claims 80 and 133, and request the timely allowance thereof.

Applicants respectfully traverse the rejection of claims 13, 79, and 136 under 35 U.S.C. § 103(a) as being unpatentable over James.

Claims 13, 79, and 136, depend either directly or indirectly from one of independent claims 1, 76, and 133. As discussed above, James fails to disclose all of

the limitations recited in those independent claims. Neither of the modifications proposed by the Examiner on page 4 of the Office Action would remedy the deficiencies in James, nor does the Examiner rely on the modifications to remedy the deficiencies. For at least this reason James fails to render claims 13, 79, and 136 unpatentable.

Claims 2-22, 24-38, 40-47, 49-52, 54-58, 77-79, 81, 82, 84, 87-89, and 134-136, all depend either directly or indirectly from independent claims 1, 23, 53, 76, 80, 86, and 133, and are therefore allowable for at least the same reasons that independent claims 1, 23, 53, 76, 80, 86, and 133 are allowable. In addition, at least some of these claims recite unique combinations that are neither taught nor suggested by the cited art, and therefore at least some are also separately patentable.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, abstract, and drawings in these Remarks, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Applicants request the reconsideration and allowance of pending claims 1-38, 40-47, 49-58, 76-82, 84, 86-89, and 133-136. The Examiner is invited to contact the undersigned at (202) 408-4488 if the Examiner believes that a discussion would further the prosecution of the application.

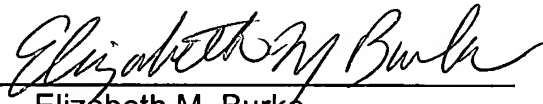
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 17, 2006

By: 
Elizabeth M. Burke
Reg. No. 38,758